

UNITED STATES DISTRICT COURT
District of New Hampshire

UNITED STATES OF AMERICA

v.

**ACKNOWLEDGMENT AND
WAIVER OF RIGHTS**

Case Number: _____

Defendant

I, _____ of _____, my attorney

being _____, do hereby freely and voluntarily make the following statements that I understand shall apply to each and every offense to which I intend to plead GUILTY.

I understand that I am under no obligation to plead GUILTY, and that even after signing this form I am still under no obligation to plead GUILTY. I understand that I do not have a negotiated plea agreement with the government and that the Judge can impose any sentence authorized by law for the offense to which I am pleading GUILTY.

I have discussed the present plea of GUILTY with my attorney, who has explained the nature and elements of the offense(s) to me, which I fully understand. The offense(s) to which I am pleading GUILTY, the statutory reference, the elements of the offense(s), (all of which the government would have to prove beyond a reasonable doubt), and the possible penalties for the offense(s), are as follows:

1. Offense Charged/Statutory Reference: _____

Elements of the Offense Charged: _____

Statutory Penalties: _____

2. Offense Charged/Statutory Reference: _____

Elements of the Offense Charged: _____

Statutory Penalties: _____

3. Offense Charged/Statutory Reference: _____

Elements of the Offense Charged: _____

Statutory Penalties: _____

*Please provide the above requested information on a separate attachment if the defendant is pleading to more than 3 offenses.

I understand that by pleading GUILTY to the foregoing offense(s) I am giving up the following constitutional rights:

MY RIGHT to a speedy and public trial before a jury.

MY RIGHT to have my lawyer continue to defend me at trial and at every other stage of the proceeding, and to present all defenses that I may have at trial.

MY RIGHT to see, hear and question all witnesses. This gives me the opportunity and right to confront my accusers and to cross-examine them myself or through my attorney.

MY RIGHT to present evidence in my own defense, to subpoena witnesses to testify in my favor, and to testify at trial on my own behalf if I choose.

MY RIGHT to remain silent if I choose, which is my right against self-incrimination.

MY RIGHT not to be convicted except by proof beyond a reasonable doubt with respect to all elements of the offense(s), which have been explained to me by my attorney.

MY RIGHT to appeal, if convicted.

I GIVE UP ALL OF THE ABOVE RIGHTS OF MY OWN FREE WILL.

I understand that as a consequence of my plea of GUILTY that the Judge has discretion to impose such sentence as he/she considers appropriate subject, however, to those limits prescribed by law. My attorney, with whose services I am satisfied, has advised me of the penalties that the Judge can impose for the offense(s) to which I have pleaded GUILTY.

I understand that the Sentencing Reform Act of 1984 and the Sentencing Guidelines apply in this case. I understand that the Court is required to consider any applicable Sentencing Guidelines, but may depart from those Guidelines in some circumstances and that I have no right to withdraw my plea of GUILTY if my sentence or the Guideline application is other than I anticipated. I further understand that any estimate of the probable sentence, or the probable sentencing range pursuant to the Sentencing Guidelines, which I may have received from any source, is only a prediction and not a promise, and is not binding on the government, the probation office, or the Judge.

I understand that the government and the probation office will (a) advise the court of any additional, relevant facts

Acknowledgment and Waiver of Rights

that are presently known or may subsequently come to their attention; (b) respond to questions from the court; (c) correct any inaccuracies in the pre-sentence report; (d) respond to any statements made by me or my counsel to a probation officer or the court; (e) address the court with respect to an appropriate sentence to be imposed for the offense(s) to which I am pleading GUILTY.

I understand that while taking my plea or during sentencing the Judge may ask me about each offense to which I am pleading GUILTY, and that if I answer those questions falsely under oath, on the record, and in the presence of counsel, my answers may be later used against me in a prosecution for perjury or making false statements.

I understand that by pleading GUILTY I am admitting to the truth of the charge(s) against me and that upon the Judge's acceptance of my GUILTY plea, a conviction will be entered against me. I understand that the conviction may result in my being deprived of certain federal benefits and certain rights, such as the right to vote, to hold public office, to serve on a jury, and to possess a firearm.

I am pleading GUILTY because I am GUILTY. I understand the nature of the offense(s) to which I am pleading GUILTY and the penalties provided by law. I further understand the entire content of this form and I sign this form and enter my plea of GUILTY freely and voluntarily. I am not under the influence of drugs or alcohol. No force has been used upon me, nor have any threats been made against me, by any member of the United States Attorney's Office or anyone else, in an effort to have me enter this plea of GUILTY. No promises have been made to me by any member of the United States Attorney's Office or anyone else in an effort to have me enter this plea of GUILTY, except as follows:

_____.

Acknowledgment of Defendant

I acknowledge that all of the statements provided herein are true and voluntarily given.

Date: _____

Signature of Defendant

Acknowledgment of Defendant's Counsel

As counsel for the defendant, I have thoroughly explained to the defendant all the above, including the nature of the charge(s), the elements of the offense that the government must prove beyond a reasonable doubt, and the maximum and minimum penalties. I believe the defendant fully understands the meaning of this Acknowledgment of Rights, that s/he is not under the influence of drugs or alcohol, and that s/he knowingly, intelligently and voluntarily waives all of her/his rights as set forth in this form.

Date: _____

As Counsel for the Defendant

cc: Defendant
U.S. Attorney
U.S. Marshal
U.S. Probation
Defense Counsel